

REMARKS

The Application has been carefully reviewed in light of the Office Action mailed October 17, 2005. At the time of the Office Action, Claims 1-60 remain pending in this patent application. Reconsideration and allowance of all pending claims is respectfully requested in view of the following remarks.

Rejections Under 35 U.S.C. § 102:

Claims 1, 6-9, 17-21, 26-29, 37-41, 46-49 and 57-60 stand rejected under 35 U.S.C. 102(e) as being anticipated over U.S. Patent No. 2001/0032193 A1 to Ferber ("Ferber"). Ferber describes a system and method for registering and transmitting advertisements to a wireless device. The system of Ferber provides users of wireless devices with the ability to register to receive advertisements via their wireless devices. Ferber discloses several techniques for registering, including registering on via (i) website, (ii) telephone system using keypad or operator, (iii) email address, or (iv) postal service. In registering, users submit a wireless device number, which is stored in a database. During the registration process, an identification of a direct marketing campaign is displayed. The information stored in the database is thereafter used by a wireless device advertising service or advertiser to communicate advertisements to the user via the wireless device.

While Ferber teaches the general concepts of registering wireless device numbers and communicating advertisements to the associates registered wireless devices, Ferber fails to teach "registering wireless device users in a direct marketing campaign ... displays an identification of a direct marketing campaign ... registering the user in the identified direct marketing campaign." In other words, Ferber registers users to receive general advertising via wireless devices and not for a specific "identified direct marketing campaign." In addition, Ferber fails to specifically teach "providing content within a display of a wireless device, wherein the content includes a portion that is responsive to user activation and that displays an identification of a direct marketing campaign." Accordingly, Ferber fails to anticipate Applicants' originally claimed invention as recited in claim 1.

Independent claims 9, 21, 29, 41 and 49 each include the same limitations as claim 1 and should be considered allowable for at least the same reasons. Claims 6-8, 17-20, 26-28, 37-40,

and 57-60, which depend from respective independent claims, should be considered allowable for at least the same reasons as the respective independent claims. Accordingly, Applicants respectfully requests that the rejection of the claims under 35 U.S.C. 102(e) as being anticipated by Ferber. Reconsideration and favorable action are requested.

Rejections Under 35 U.S.C. § 103:

With regard to the rejections of claims 2-5, 11-16, 22-25, 31-36, 42-45 and 51-56 under 35 U.S.C. 103(a) as being unpatentable over Ferber in view of Angles, et al. (Pub. No. US2001/0032193 A1). Angles, et al. describe a system for delivering customized advertisements within an interactive communication system. The system is described as using the hypertext markup language (HTML), which is a standard coding convention, for enabling a consumer to input demographic information into a registration module. However, Angles et al. do not teach or suggest “registering the user in the identified marketing campaign,” as recited in the independent claims from which the above listed dependent claims depend. Because neither Ferber nor Angles et al. teach or suggest, either alone or in combination, the limitations as recited, the rejections of claims 2-5, 11-16, 22-25, 31-36, 42-45 and 51-56 under 35 U.S.C. 103(a) should be withdrawn.

With regard to the rejections under 35 U.S.C. 103(a) of claims 10, 30, and 50 as being unpatentable over Ferber in view of Taniguchi et al. (Pub. No. US2002/0065748 A1), Taniguchi et al. describe a system for delivering content through email. Taniguchi et al. describes the ability to unregister from advertisement emails (para. 0014). However, Taniguchi et al. do not teach or suggest “registering the user in the identified marketing campaign,” as recited in the independent claims from which claims 10, 30, and 50 depend. Because neither Ferber nor Taniguchi et al. teach or suggest, either alone or in combination, the limitations as recited, the rejections of claims 10, 30, and 50 under 35 U.S.C. 103(a) should be withdrawn. Reconsideration and favorable action are requested.

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CONCLUSION

For the foregoing reasons, and for other apparent reasons, Applicants respectfully request reconsideration and favorable action. If the Examiner feels a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

Applicants believe that no fee is due. However, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-2816 of Patton Boggs, L.L.P.

Respectfully submitted,

PATTON BOGGS, LLP

A handwritten signature in black ink, appearing to read "Gary B. Solomon", with a long horizontal flourish extending to the right.

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